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Counsel for Defendants HILTON HOTELS CORP.
HILTON SUPPLY MANAGEMENT, INC., KEVIN A.
BARRY, and KEVIN BARRY FINE ART ASSOCIATES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BERENICE BRACKETT,

Plaintiff,

vs.

HILTON HOTELS CORP., et al.,

Defendants.

Case No. C08-2100-WHA

**NOTICE OF MOTION AND MOTION TO
TRANSFER FOR IMPROPER VENUE;
OR IN THE ALTERNATIVE TO
TRANSFER FOR CONVENIENCE; AND
MOTION TO DISMISS COUNTS III AND
IV FOR FAILURE TO STATE A CLAIM**

Motion Date: June 19, 2008
Time: 8 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

NOTICE OF MOTION

TO PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendants Hilton Hotels Corp., Hilton Supply Management, Inc., Kevin A. Barry, and Kevin Barry Fine Art Associates (collectively "Defendants") will present their "Motion to Transfer for Improper Venue; or in the Alternative to Transfer for Convenience" and their "Motion to Dismiss Counts III and IV for Failure to State a Claim" to the Court on June 19, 2008, or as soon thereafter as is convenient to the Court.

Defendants respectfully move, pursuant to Federal Rule of Civil Procedure 12(b)(3), 28 U.S.C. §§ 1400(a), 1404(a), & 1406(a), for a transfer to the United States District Court for

1 the Central District of California. Defendants also respectfully move, pursuant to Federal
2 Rule of Civil Procedure 12(b)(6) and 17 U.S.C. §301, to dismiss Counts III and IV because
3 they are preempted by Federal copyright law.

4 This motion is based on this Notice of Motion, the Memorandum of Points and
5 Authorities filed and served herewith, and upon the papers, records and pleadings on file
6 herein.

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8 DATED: May 13, 2008

Venable LLP

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12 Thomas J. Speiss, III
13 Counsel for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Marc N. Bernstein, Esq.

Susan S. Boranian, Esq.

The Bernstein Law Group, P.C.

A handwritten signature in black ink, appearing to read "T J Speiss III", is written above a horizontal line.

Thomas J. Speiss, III (Bar No. 200949)